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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,723	07/21/2003	Leslie A. Lyons	TFM0060	5263
832	7590	10/19/2004	EXAMINER	
BAKER & DANIELS 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			KERSHTEYN, IGOR	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,723

Applicant(s)

LYONS ET AL.

Examiner

Igor Kershteyn

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-22 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7-10, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 11-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/12/04, 11/10/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to because they are not formal drawings.

The drawings are further objected to because in figure 1 numeral "176" should be
-76--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7-10, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lai (5,820,458).

In figure 2, Lai teaches a blower housing, the blower housing comprising: a cavity (not numbered) including an inlet 22, and an extension portion (not numbered) extending from said cavity and terminating in an outlet (not numbered), said blower housing formed from at least three separate housing members, comprising: a first housing member 30, a second housing member 20 attached to said first housing member 30 and cooperating with said first housing member 30 to define said cavity, said second housing member 20 including said inlet 22 and a first extension wall (not numbered); and a third housing member 50 attached to at least one of said first 30 and second 20 housing members, said third housing member 50 including a second extension wall (not numbered), said first and second extension walls cooperating to define said extension portion.

Claims 1, 2, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandt (3,627,442).

In figure 3, Brandt teaches a blower housing 11, the blower housing comprising:

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a cavity (not numbered) including an inlet 19, and an extension portion (not numbered) extending from said cavity and terminating in an outlet 18, said blower housing 11 formed from at least three separate housing members, comprising: a first housing member 14, a second housing member 15 attached to said first housing member 14 and cooperating with said first housing member 14 to define said cavity, said second housing member 15 including said inlet 19 and a first extension wall 17; and a third housing member 15 attached to said first 14 housing member, said third housing member 15 including a second extension wall 17, said first and second extension walls 17 cooperating to define said extension portion.

Claims 1, 2, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan Patent No. 1-177499.

In figure 1, Japan Patent teaches a blower housing, the blower housing comprising:
a cavity (not numbered) including an inlet (not numbered), and an extension portion (not numbered) extending from said cavity and terminating in an outlet (not numbered), said blower housing formed from at least three separate housing members, comprising: a first housing member 25, a second housing member 21 attached to said first housing member 25 and cooperating with said first housing member 25 to define said cavity, said second housing member 21 including said inlet and a first extension wall (not numbered); and a third housing member 23 attached to said first housing member 25, said third housing member 23 including a second extension wall (not numbered), said first and second extension walls cooperating to define said extension portion.

Allowable Subject Matter

Claims 16-22 are allowed.

Claims 3-6, and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of two patents.

Dibovsky (2,264,071) is cited to show a housing for a blower having a first member, a second member, and a third member but fails to teach the third member defining a second extension wall.

Nakamura et al. (6,206,633) is cited to show a blower housing having a first member, a second member, and a third member but fails to teach the second housing member having an inlet and an extension wall.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is (703) 308 8317. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on (703) 308 1044. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

October 13, 2004



Igor Kershteyn
Patent examiner.
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EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
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10/16/04